

04-09-04

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Atty. Docket No. 62,453-015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Joseph M. Gabriele GROUP ART UNIT: 3762
SERIAL NO.: 10/045,501 EXAMINER: Leslie R. Deak
FILED: November 7, 2001
FOR: ASEPTIC ENCLOSURE FOR MEDICAL EQUIPMENT
AND METHOD OF MAKING SAME
DOCKET NO.: 62,453-015

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

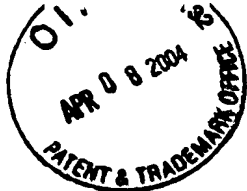
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Dear Sir:

In response to the Patent Office Action mailed March 8, 2004, wherein the Examiner requires restriction between Claims 1 to 24 drawn to a method of enclosing medical equipment (Group I) and Claims 25 to 28 drawn to a bag-like aseptic enclosure (Group II), the Applicant provisionally elects the claims of Group I, namely Claims 1 to 24 *with traverse*. It is respectfully submitted that the claims of Group II drawn to an aseptic enclosure for medical equipment will be formed by the method claims of Group I and therefore the claimed method will not make other materially different products.

It is important to note that the Restriction Requirement mailed March 8, 2004 specifically states that the period for reply expires *three months* from the date of the Communication, and therefore, a response was docketed by the firm for reply within three months, rather than the normal 30 day requirement. Therefore, this Response is *timely*.

Although it is believed that no fee is due for the filing of this Response, the Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees



or credit the account for any overpayments regarding this Response. Further and favorable reconsideration of the outstanding Office Action is hereby requested.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

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Dated: April 8, 2004

CERTIFICATE OF EXPRESS MAILING

I hereby certify that the enclosed **Response to Election/Restriction Requirement** is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope as "Express Mail Post Office to Addressee," Mailing Label No. **EL998311052US** and addressed to **Mail Stop Non-Fee Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **April 8, 2004**.

Tracy L. Smith

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